

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/735,592  
Confirmation No.: 2533  
Filed: December 11, 2003  
For: CPG NUCLEIC ACIDS AND METHODS OF USE  
Examiner: N. M. Minnifield  
Art Unit: 1645

**Certificate of Electronic Filing Under 37 CFR 1.8**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: Nov. 30, 2009

Signature: Sharon R. Lloyd (Sharon R. Lloyd)

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 29, 2009, Applicant hereby elects the following additional species for continued examination:

$X_1 = C, X_2 = A,$   
 $X_1 = C, X_2 = T$   
 $X_1 = C, X_2 = C$   
 $X_1 = A, X_2 = T$   
 $X_1 = A, X_2 = C$   
 $X_1 = G, X_2 = G$   
 $X_1 = G, X_2 = T$   
 $X_1 = G, X_2 = C$   
 $X_1 = G, X_2 = A$

In the species election Applicant further elects  $N_1 = N_2 N_3$  wherein  $N_2$  is 8-94 nucleotides and  $N_3$  is TTTTTT. If more specificity is required for the election of  $N_1$  then,  $N_1 = \text{ATTTTTTTTTTA}$ .

In response to the restriction requirement set forth in the Office Action mailed October 29, 2009, Applicant hereby elects the following additional species for continued examination:

$X_1 = C, X_2 = A,$

$X_1 = C, X_2 = T$

$X_1 = C, X_2 = C$

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$X_1 = A, X_2 = C$

$X_1 = G, X_2 = G$

$X_1 = G, X_2 = T$

$X_1 = G, X_2 = C$

$X_1 = G, X_2 = A$

In the species election Applicant further elects  $N_1 = N_2 N_3$  wherein  $N_2$  is 8-94 nucleotides and  $N_3$  is TTTTTT. If more specificity is required for the election of  $N_1$  then,  $N_1 = \text{ATTTTTTTTTTTA}$ .

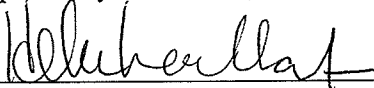
The election is without traverse.

Having made this election, Applicants expressly reserve the right to file one or more divisional or continuation applications on the subject matter of the nonelected inventions.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. C1037.70038US01 from which the undersigned is authorized to draw.

Dated: November 30, 2009

Respectfully submitted,

By 

Helen C. Lockhart

Registration No.: 39,248

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